IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.355 OF 2006
IN
SUMMONS FOR JUDGMENT NO.986 OF 2003
IN
SUMMARY SUIT NO.2234 OF 2003

Beacon Laboratory Pvt.Ltd. .. Appellant
V/s
Diamont Boart India Pvt.Ltd. & Ors. .. Respondents

Mr.Puniwala i/by Mr.Y.R.Shah for the Appellant.

Ms.Mamta Sadh i/by M/s.Thokordas & Madgaonkar for the Respondent Nos.1 to 3.

Mr.Agnes Baradia i/by M/s.Thakore Jariwala & Associates for Respondent No.4.

CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.

DATE : 28TH JULY, 2006.

P.C.:

1. Heard the learned Counsel for the parties. This Appeal arises out of an order of grant of an unconditional leave to defend in a Summary Suit. No Letters Patent Appeal lies against such an order. Hence Appeal stands dismissed.

2. However we make it clear that the observation of the learned Single Judge with regard to the issue of limitation is merely a prima-facie opinion which will not come in the way at the final hearing of the suit.

3. Time to file the Written Statement is extended by a period of four weeks from today.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR,J.)